

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CORNELIUS BROWN,)	8:14CV298
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
DEPT. OF HEALTH & HUMAN)	
SVS., TI LINN BOUER, Facility)	
Operating Officer, CHRIS BO)	
SIMMONS, Assoc. Facility Officer,)	
JOHN KROLL, Director of Nursing,)	
LORI STRONG, Asst. Unit)	
Supervisor, DIANNA MASTNY,)	
Unit Supervisor, and MATTHEW)	
POKORNY, Patient,)	
)	
Defendants.)	

This matter is before the court for case management. Since filing a Complaint on September 30, 2014, Plaintiff Cornelius Brown has filed at least nine pleadings and motions seeking to supplement his Complaint. Most recently, Plaintiff filed two unopposed motions to amend his Complaint on March 9, 2015, and March 18, 2015. (See Filing Nos. [32](#) and [35](#).) The court will no longer permit the piecemeal filing of supplemental pleadings in this case.

A. Leave to Amend

The court will give Plaintiff leave to file one amended complaint that identifies each defendant by name and states all of his claims (and any supporting factual allegations) against that defendant. Plaintiff is *ordered not to file* any other amended pleadings or supplements to his pleadings, aside from the one contemplated in the preceding sentence, without first obtaining leave of the court as required by Rule

15(a) of the Federal Rules of Civil Procedure, and Rule 15.1 of the local rules of this court.

B. Motion to Appoint Counsel

Plaintiff seeks the appointment of counsel. (Filing No. [30](#).) The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]” *Id.* (internal citation and quotation marks omitted). No such benefit is apparent here at this time. Thus, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that:

1. Plaintiff must file an amended complaint within 30 days that identifies each defendant by name and states all of his claims (and any supporting factual allegations) against that defendant. Failure to do so will result in the court dismissing this action without prejudice and without further notice for failure to prosecute it.

2. Plaintiff is *ordered not to file* any other amended pleadings or supplements to his pleadings, aside from the one contemplated in the preceding paragraph, without first obtaining leave of the court as required by Rule 15(a) of the Federal Rules of Civil Procedure, and Rule 15.1 of the local rules of this court.

3. Plaintiff’s Motion to Appoint Counsel (Filing No. [30](#)) is denied.

4. In light of the foregoing, Plaintiff's Motion for Reconsideration (Filing No. [18](#)) and Motions to Amend Complaint (Filing Nos. [32](#) and [35](#)), and Defendants' Motion to Dismiss Complaint (Filing No. [23](#)) are denied as moot.

DATED this 7th day of April, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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